

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

IN RE: : CHAPTER 13
:
Edward Gregory and Donna Faye Johnson :
193 Cyler Road :
Gray, GA 31032 : Case No. 09-50427-RFH

**NOTICE OF SECOND MOTION FOR MODIFICATION
OF PLAN BEFORE CONFIRMATION**

EDWARD GREGORY AND DONNA FAYE JOHNSON HAVE FILED PAPERS WITH THE COURT TO MODIFY THE CHAPTER 13 PLAN BEFORE CONFIRMATION.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO MODIFY THE DEBTORS' PLAN, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION FOR MODIFICATION OF PLAN, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN OBJECTION ON OR BEFORE THE SEVENTH BUSINESS DAY PRIOR TO THE HEARING DATE SHOWN BELOW. ANY OBJECTIONS WILL BE HEARD AT THE HEARING ON CONFIRMATION WHICH IS SCHEDULED FOR **OCTOBER 1, 2009 AT 1:30 P.M. IN COURTROOM A, U.S. BANKRUPTCY COURT, 433 CHERRY STREET, MACON, GEORGIA.**

ANY OBJECTIONS FILED MUST ALSO BE MAILED TO THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION FOR MODIFICATION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

THIS 3rd DAY OF SEPTEMBER, 2009.

/s/ Elizabeth L. McBrearty
ELIZABETH L. MCBREARTY, P.C.
ATTORNEY FOR DEBTOR(S)
STATE BAR #006070
P.O. BOX 839, MACON, GA 31202
(478) 755-1133

**UNITED STATES BANKRUPTCY COURT
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IN RE: : CHAPTER 13
:
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**SECOND MOTION FOR MODIFICATION OF PLAN BEFORE
CONFIRMATION**

The debtors, under the authority of Section 1323 of the Bankruptcy Code, file this motion for modification of plan and respectfully show:

1.

Debtors' plan in case number 09-50427-RFH was filed on February 10, 2009.

2.

Debtors' prior modified plan failed to provide notice of the correct dividend unsecured creditors would receive. See attached modified plan.

3.

After notice and opportunity for objections, the new plan should become the debtors' plan.

WHEREFORE, the debtors pray that this motion for modification of plan be approved.

This 3rd day of September, 2009.

/s/ Elizabeth L. McBrearty
Elizabeth L. McBrearty, P.C.
Attorney for Debtor(s)
State Bar #006070
P.O. Box 839
Macon, GA 31202
(478)755-1133

UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF
GEORGIA

Greg & Donna Johnson

MODIFIED

case # 09-50427-RFH

CHAPTER 13 PLAN

1. 1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee and the debtor(s) (or the debtor's(s') employer) shall pay to the trustee the sum of **\$ 2065.00** weekly/bi-weekly/semi-monthly/**monthly**. (If the payments change over time include the following.) These plan payments change to \$ _ weekly/bi-weekly/semi-monthly/monthly on _____, 20__.

2. From the payments so received, the trustee shall make disbursements as follows:

(a) The trustee percentage fee as set by the United States Trustee.

(b) The monthly payments will be made on the following long-term debts: (Payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim.)

NAME OF CREDITOR	MONTH OF FIRST PAYMENT UNDER PLAN	MONTHLY PAYMENT AMOUNT

(c) Preconfirmation adequate protection payments will be made to the following secured creditors and holders of executory contracts after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

NAME OF CREDITOR	ADEQUATE PROTECTION AMOUNT
Security Bank	\$100.00
Vanderbilt	\$100.00
RFCU	\$100.00
Harley Davidson	\$100.00
Snap-On- Tools	\$100.00

(d) After confirmation of the plan, the secured creditors with allowed claims will be paid as follows:

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT AMOUNT
Security Bank	\$2500.00	Debt	5%	6.5 acres	\$407.82
Vanderbilt	\$10,200.00	Debt	5%	1995 MH	\$572.00
RFCU	\$19,000.00	Debt	5%	2008 Saturn Vue	\$396.00
Harley Davidson	\$14,000.00	Debt	5%	2006 motorcycle	\$320.00
Snap-on-Tools	\$7700.00	Debt	5%	tools	\$200.00

(e) Attorney fees ordered pursuant to 11 U.S.C. § 507(a)(2) of **\$ 2500.00** to be paid **according to the Administrative Order.**

(f) After the above are paid, distributions will be made to cure arrearages and other secured debts whose claims are duly proven and allowed as follows

NAME OF CREDITOR	ESTIMATED AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL

(g) The following collateral is surrendered to the creditor:

NAME OF CREDITOR	DESCRIPTION OF COLLATERAL
Retail Services	2005 Kawasaki

(h) The following domestic support obligations will be paid over the life of the plan as follows: (These payments will/will not be made simultaneously with payment of the secured debt and will/will not include interest at the rate of ____%. Interest can only be included if the plan is proposing to pay all claims in full.)

NAME OF CREDITOR	PAYMENT AMOUNT

(i) The following unsecured claims are classified to be paid at 100%. These payments will/will not be made simultaneously with payment of the secured debt:

(j) All other 11 U.S.C. § 507 priority claims, unless already listed under 2(g), will be paid in full over the life of the plan as funds become available in the order specified by law **including the IRS & GDR.**

(k) The debtor(s) will be the disbursing agent on the following debts:

(l) Special provisions: All titles to vehicles shall be released upon completion of the plan payments.

(m) General unsecured creditors whose claims are duly proven and allowed will be paid

(1) % dividend or a prorata share of **\$44,000.00**, whichever is greater; or

(2) the debtor(s) will make payments for months and anticipates a dividend of %

Date : **August 26, 2009**

/s/ Edward Gregory Johnson Debtor

/s/ Donna Faye Johnson Debtor

UNITED STATES BANKRUPTCY COURT

MIDDLE DISTRICT OF GEORGIA

MACON DIVISION

IN RE: : CHAPTER 13

:

Edward Gregory and Donna Faye Johnson :

193 Cyler Road :

Gray, GA 31032 : Case No. 09-50427-RFH

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she has served a copy of the Notice of Second Motion for Modification Before Confirmation, Second Motion for Modification Before Confirmation, and Modified Plan to the following:

Camille Hope, Chapter 13 Trustee

P.O. Box 954

Macon, Georgia 31202

Edward Gregory and Donna Faye Johnson

193 Cyler Road

Gray, GA 31032

American Express Centurion Bank

C/O Becket and Lee, LLP

P.O. Box 3001

Malvern, PA 19355-0701

Bank of America

P.O. Box 15026

Wilmington, DE 19850-5026

Bank of America

P.O. Box 17054

Wilmington, DE 19884

Belk

c/o GE Money Bank

P.O. Box 103104

Roswell, GA 30076

Best Buy

c/o Retail Services

P.O. Box 15521

Wilmington, DE 19850-5521

Capital One

P.O. Box 30285

Salt Lake City, UT 84130-0285

Capital One

C/O Ecast Settlement Corporation
P.O. Box 35480
Newark, NJ 07193-5480

Chase Bank USA, N.A.
C/o Creditors Bankruptcy Service
P.O. Box 740933
Dallas, TX 75374

Citibank/ Sears
c/o PRA Receivables Management, LLC
P.O. Box 41067
Norfolk, VA 23541

Dell Financial Services
c/o Resurgents Capital Services
P.O. Box 10390
Greenville, SC 29603-0390

Georgia Department of Revenue
Bankruptcy Section
P.O. Box 161108
Atlanta, GA 30321

Harley Davidson
P.O. Box 829009
Dallas, TX 75382-9009

HSBC Gold MasterCard
c/o HSBC Card Services
P.O. Box 81622
Salinas, CA 93912-1622

HSBC Bank Nevada
C/O Bass & Associates, PC
3936 E. Ft. Lowell Rd., Suite 200
Tucson, AZ 85712

Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

JC Penney
c/o GE Money Bank
P.O. Box 103104
Roswell, GA 30076

Kawasaki
P.O. Box 15521
Wilmington, DE 19850-5521

Kohl's
P.O. Box 3043
Milwaukee, WI 53201-3043

Robins Federal Credit Union
P.O. Box 6849
Warner Robins, GA 31095

Roundup Funding, LLC
MS 550
P.O. Box 91121
Seattle, WA 98111-9221

Sam's
c/o GE Money Bank
P.O. Box 103104
Roswell, GA 30076

Sears Card
P.O. Box 6283
Sioux falls, SD 57117-6283

Sears/ Citibank, SD
c/o Alliance One
1160 Centre Pointe Dr., Ste #1
Mendota Heights, MN 55120

Security Bank of Jones County
P.O. Box 1269
Gray, GA 31032

Snap-On Credit, LLC
950 Technology Way, Suite 301
Libertyville, IL 60048

Vanderbilt Mortgage and Finance
P.O. Box 9800
Maryville, TN 37802

Wells Fargo Financial
121st Street
Urbandale, IA 50323

This 3rd day of September, 2009.

/s/ Elizabeth L. McBrearty
Elizabeth L. McBrearty
Attorney for Debtor(s)
State Bar #006070
P.O. Box 839, Macon, Georgia 31202
(478) 755-1133

